

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN PEDRAZA,

Plaintiff,

-against-

MANHATTAN MONSTER INC., et al.,

Defendants.

USDC SDNY
DOCUMENT
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1:23-cv-2596 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On October 21, 2024, the Court held a pre-trial conference in this matter. As the Court explained at the conference, Defendants' request for leave to move for summary judgment is DENIED. The request is untimely in the extreme. The Court previously issued an Order requiring the parties to notify the Court of any request to move for summary judgment "[w]ithin three business days of the deadline" for discovery set by the Magistrate Judge [ECF No. 83]. The Magistrate Judge set a deadline of July 16, 2024 [ECF No. 100]. Defendants waited until three months after that deadline, October 14, 2024, to request leave to move for summary judgment [ECF No. 117]. Moreover, in making their untimely request, Defendants failed to comply with the Court's Individual Rules of Practice in Civil Cases which require a party to submit a Rule 56.1 Statement together with a request for leave to move for summary judgment.

Turning to the parties' joint request for a jury trial, instead of a bench trial, that request is GRANTED. The **jury** trial will begin on December 9, 2024. The Court will allow **three** days for the jury trial, and the parties must plan accordingly. The parties must carefully review the Court's Individual Rules for jury trials.

IT IS HEREBY ORDERED that the parties' proposed Joint Pretrial Order, any motions *in limine*, joint proposed *voir dire* questions, joint proposed jury instructions, and all other Required

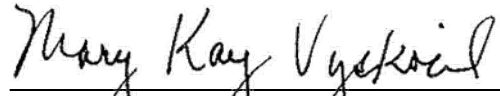
Pretrial Filings are due on November 4, 2024. The Final Pretrial Conference will take place as previously scheduled on December 5, 2024 at 11:30 a.m.

At the conference, Plaintiff disclosed the existence of certain text messages. As the Court stated at the conference, IT IS HEREBY ORDERED that Plaintiff shall turnover text messages by the end of the day today.

The parties are on notice that failure to comply with this Court's orders, the Court's Individual Rules, the Local Rules, and the Federal Rules may result in sanctions, including: monetary sanctions on counsel and the parties; preclusion of claims, defenses, and evidence; and the case-terminating sanctions of dismissal for failure to prosecute or default judgment. In light of the prior pattern of failing to comply with the Court's orders and Individual Rules, any future failure to comply likely will result in sanctions.

SO ORDERED.

**Date: October 21, 2024
New York, NY**



MARY KAY VYSKOČIL
United States District Judge